

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P 55(c) respectfully requests the Court to set aside the entry of default for the following defendant in the Rutherford & Plaza Blanca subsection of Section 7:

Johnny Valdez CHRU-004-0009

As grounds therefore the Plaintiff states:

1. The Clerk’s Certificate of Default with respect to Johnny Valdez was entered on December 18, 2006 (Docket No. 8519).
2. The above-named defendant signed the State’s proposed Consent Order in subfile CHRU-004-009, and the Order was filed with the Court on April 17, 2007 (Doc. No. 8626), without first requesting that the Court set aside the entry of default.
3. The entry of default with respect to Johnny Valdez should be set aside in order to clear the record.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court

to set aside the entry of default for defendant Johnny Valdez.

DATED: May 17, 2007

Respectfully submitted,

/s/ Ed G. Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 867-7444

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of May, 2007, I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Johnny Valdez
HC 75 Box 1011
Rutheron, NM 87551

/s/ Ed Newville
Ed Newville